

REMARKS/ARGUMENTS

The claims are 1-2. Claim 1 has been amended to improve its form. Reconsideration is expressly requested.

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Montagner U.S. Patent No. 6,161,254* in view of *Schuchard et al. U.S. Patent No. 6,505,933*. The remaining claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Montagner* and *Schuchard et al.* and further in view of *Montalban U.S. Patent No. 6,152,562*.

Essentially the Examiner's position was that *Montagner* discloses the spring hinge recited in the claims, except for the housing bores each receiving a locking element forming the abutment for the helical spring, that *Schuchard et al.* teaches this feature, and that it would have been obvious to one of ordinary skill in the art to provide *Montagner* with the features taught by *Schuchard et al.* because a replaceable locking element would allow the abutment to be replaced if the abutment were to wear out due to high cycling. *Montalban* is cited with respect to

claim 2 as teaching a locking element being screwed into a housing bore.

This rejection is respectfully traversed.

As set forth in claim 1 as amended, Applicant's invention provides a spring hinge for spectacles including a hinge part which is held in a displaceable manner in the longitudinal direction of the temple in a housing on the temple side, a fixture which projects from the hinge part in the direction of displacement, engages in an opening in the housing and includes a fixture rod and a transversal bar at the end of the fixture rod, and two helical springs which are provided laterally adjacent to the fixture rod, are parallel thereto and rest with their end at the hinge side on an abutment associated with the housing and with their opposite end on the transversal bar of the fixture.

As recited in claim 1 as amended, the two helical springs are inserted into a housing bore each which is open towards the housing opening for the fixture rod and the housing bores each

receive a locking element forming the abutment for the helical spring.

In this way, Applicant's invention provides a spring hinge for spectacles that enables insertion of the hinge part with the fixture in the two helical springs after the fastening of the housing to the temple.

The primary reference to *Montagner* discloses the state of the art as discussed in Applicant's disclosure on pages 1-2. The spring hinge according to *Montagner* has a hinge part guided in a housing, in the longitudinal direction of the bracket, having an anchor that forms an anchor rod 3 and, at the end of the anchor rod 3, a crosspiece 5. Next to the anchor rod 3, parallel helical springs 6 are provided, which support themselves, with their hinge-side end, on a counter-bearing formed by the housing 1, and impact the crosspiece 5 of the anchor with their opposite end.

The anchor with the helical springs 6 of *Montagner* must be inserted into the housing that is open opposite the bracket A, crosswise to the direction of displacement of the hinge part, before the housing is welded to the bracket A. The housing forms a common accommodation space for the anchor rod 3, the crosspiece 5, and the helical springs 6, which are by no means inserted in housing bores as recited in Applicant's claims.

The secondary reference to *Schuchard et al.* shows a fundamentally different design, because the hinge part 5 passes through a single helical spring 10 with its anchor rod or guide pin 8, which spring supports itself, on the one hand, on an end-side catch piece or stop 9 of the anchor rod, and, on the other hand, on a counter-bearing or locking element 11, which can be inserted into a housing bore or recess 2 in the displacement direction of the hinge part, and supports itself, relative to the housing, using at least one catch tongue or snap-in pin 16.

Applicant's spring hinge as recited in claim 1 amended improves the spring hinge according to *Montagner* in such a way

that insertion of the hinge part with the anchor and the two helical springs is made possible after attachment of the housing on the eyeglass frame temple piece. It is respectfully submitted that without having knowledge of Applicant's invention as recited in claim 1 as amended, it would not be possible to derive a solution for the problem from either *Montagner* or *Schuchard et al.*

Schuchard et al. offers the solution of introducing the hinge part with the anchor rod 8, onto which the counter-bearing 11 and the helical spring 10 must be pushed, one after the other, before the catch piece 9 can be attached, into the housing bore, until the counter-bearing 11 engages in the housing bore 2. It is respectfully submitted that this teaching cannot be easily transferred to *Montagner*, because the lateral helical springs 6 do not have any guide, and therefore, also cannot be fixed in place between a counter-bearing 11 that is pushed onto the anchor rod 3 and the crosspiece. Such axial bracing of the lateral helical springs, for common insertion of the hinge part with the helical springs and the counter-bearing through an axial housing

opening is therefore not possible, so it is respectfully submitted that *Schuchard et al.* cannot give any teaching for the solution as recited in Applicant's claim 1 as amended.

It is respectfully submitted, moreover, that *Schuchard et al.* by no means makes it obvious to provide separate housing bores for two helical springs next to the opening for the anchor rod, whereby the separate housing bores for the helical springs are open against the housing opening for accommodating the anchor rod. These housing bores for accommodating the lateral helical springs are disclosed neither by *Montagner* nor by *Schuchard et al.* In addition, the counter-bearing 11 for the helical spring 10 in *Schuchard et al.* cannot easily be inserted to support the helical springs that are merely guided in the housing bores, according to Applicant's claim 1 as amended, because in order to do this insertion, it would be necessary to press these counter-bearings into these accommodation bores using an anchor rod, which is not easily possible when such an anchor rod is absent.

Therefore, it is respectfully submitted that a person having

skill in the art has no reason at all, without having knowledge of Applicant's invention as recited in claim 1 as amended, to combine *Montagner* and *Schuchard et al.*, in order to be able to insert the anchor having the lateral helical springs, according to *Montagner*, into the eyeglass housing even after the housing is attached to the eyeglass frame temple piece. At most, the teaching of *Schuchard et al.* can lead to using two anchor rods for the two helical springs which brings a completely different design than that recited in Applicant's claim 1 as amended.

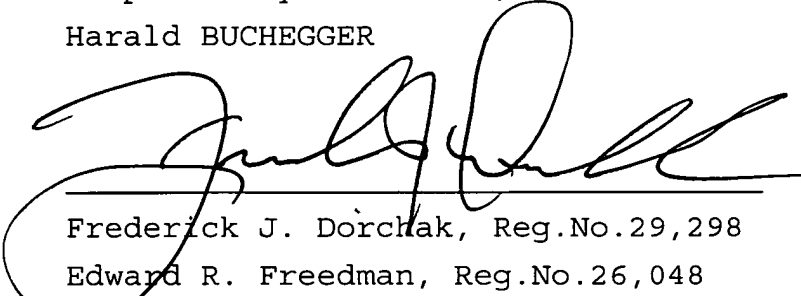
The remaining reference to *Montalban* has been considered but is believed to be no more relevant. There is no disclosure or suggestion in *Montalban* of a spring hinge for spectacles having the structure recited in Applicant's claim 1 as amended or the benefits achieved by that structure wherein insertion of the hinge part with the anchor and the two helical springs is made possible after attachment of the housing on the eyeglass frame temple piece.

Accordingly, it is respectfully submitted that claim 1, together with claim 2 which depends thereon, recites patentable and unobvious subject matter.

In summary, claim 1 has been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,
Harald BUCHEGGER

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802



Frederick J. Dorchak, Reg.No.29,298
Edward R. Freedman, Reg.No.26,048
Attorneys for Applicant

FJD:cmm

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 4, 2008.



Amy Klein